

U.S. Patent Application Serial No. 10/006,717
Response dated December 17, 2003
Reply to OA of September 17, 2003

REMARKS

Claims 1, 2, 6-8, 10 and 11 are currently being examined, of which claims 1, 7, and 8 have been amended. Claims 3, 4, and 9 have been withdrawn from consideration. No new claims are added. No new matter is added.

Applicant previously canceled claim 5 without prejudice or disclaimer, by the Amendment filed February 28, 2003.

Before turning to the cited art, a brief review of the present invention is in order. The present invention relates to a disposable syringe device auxiliary unit which helps facilitate the safe handling of needles. For example, the auxiliary unit 1 may help a medical worker avoid inadvertently jabbing himself/herself with a used needle 3. As shown in FIG. 11, a cap holding section may hold a cylindrical cap 4 when a medical worker places needle 3 into cap 4. Because the cap holding section can hold cap 4, the medical worker does not need to hold cap 4 with his/her fingers when needle 3 is placed in cap 4.

The above-described cap holding section of the present invention includes a variety of differently-sized cap holding sections 83a (FIG. 9A). Each one of the cap holding sections 83a can have a different length, in order to allow the present invention to accommodate a variety of different caps having different lengths. The bottom portions of the cap holding sections 83a are defined by members 86a, 86b (FIGs. 9A, 10, and 11). The lengths of the cap holding

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sections 83a relate to the size of members 86a, 86b (FIGs. 9A, 10, and 11). One of the advantages provided by the present invention is the fact that members 86a and 86b are included. Members 86a, 86b may allow a medical worker to use extra force to press the disposable syringe device 1 down into section 83a, so that the needle 3 is securely placed into cap 4. The members 86a, 86b define bottom portions of cap holding sections 83a, and thus may help prevent cap 4 from moving through a bottom of section 83a when needle 3 is pressed with extra force into cap 4.

After needle 3 is covered by cap 4, the needle/cap combination can be placed into needle accommodation box 6 with the help of needle separating section 52, as shown in FIGS. 6A-6C.

Claims 1, 2, 6-8, 10, and 11 stand rejected under 35 USC 102(b) as being anticipated by US Pat. No. 4,979,945 (**Wade**).

Applicant respectfully traverses this rejection.

Wade discloses a syringe needle cap resheathing and removal apparatus, including a first arm 14 and a second arm 16 (see FIG. 1). **Wade** does not disclose, teach, or suggest a bottom portion blocking movement of cap 44. The arms 14 and 16 hold sides of a cap 44, but do not block or support an extreme end portion of cap 44.

Wade does not describe, teach, or suggest a cap holding section with bottom portions defined by a plurality of members having thicknesses corresponding to cap lengths, with the members being positioned at an extreme end portion of the cap holding section.

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With respect to claims 1, 7, and 8, **Wade** does not disclose or teach the features therein of "a plurality of members having thicknesses corresponding to cap lengths, and being positioned at an extreme end portion of the cap holding section ... wherein the cap holding section has bottom portions defined by the plurality of members" in combination with the other claim features.

Thus, this rejection should be withdrawn.

An interview was conducted between Supervisory Patent Examiner Brian Casler and Darren R. Crew on December 12, 2003. The special attention paid to the instant application by Supervisory Patent Examiner Casler is noted with appreciation. Claims 1, 7, and 8 were discussed. **Wade** and US Pat. No. 5,356,384 (**Haber**) were discussed. The principal proposed amendments to claims 1, 7, and 8 that were discussed relate to the cap holding section and to the members defining bottom portions of the cap holding section. Supervisory Patent Examiner Casler indicated that **Wade** and **Haber** do not disclose cap holding sections having different lengths with the bottom portions of the cap holding sections being defined by differently-sized members. The general outcome of the interview included an indication by Supervisory Patent Examiner Casler that the 35 USC 102(b) rejection should probably be overcome when claims 1, 7, and 8 are amended to more clearly set forth members defining a bottom portion of the cap holding section, with the members having thicknesses corresponding to cap lengths.

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Accordingly, all pending claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If the Examiner feels that this application is not currently in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for a telephone conference to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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